

REAL ESTATE COMMISSION MEETING

Heber M. Wells Building

Room 250

9:00 a.m.

November 14th , 2018

MINUTES

DIVISION STAFF PRESENT:

Jonathan Stewart, Division Director
Mark Fagergren, Licensing and Education Director
Kadee Wright, Chief Investigator
Justin Barney, Hearing Officer
Chad Tengler, Real Estate Analyst
Elizabeth Harris, Assistant Attorney General
Stephen Gillies, Assistant Attorney General
Amber Nielsen, Board Secretary
Jennica Gruver, Real Estate Education Coordinator
Van Kagie, Investigator
Mark Schaerrer, Investigator
Sarah Nicholson, Investigator
Chris Martindale, Investigator
Connie Mickles, Division Staff

COMMISSION MEMBERS PRESENT:

Lerron Little, Vice Chair
Lori Chapman, Commissioner
Russell Booth, Commissioner
Marie McClelland, Commissioner

PUBLIC MEMBERS PRESENT:

Shane Norris	Karden Swensan	Brian Swan
Jennifer Leavitt	Kreg Wagner	Roy Parker
Paxton Guymon	Kim Larson	
Tiani Shoemaker	Daniel Butler	
Doug Spiers	Samuel Butler	
Don Butler	Mike Herbert	

The November 14th, 2018 meeting of the Utah Real Estate Commission began at 9:00 a.m. with Vice Chair Little conducting. Chair Musselman is excused from today's meeting.

PLANNING AND ADMINISTRATIVE MATTERS

Approval of Minutes – A motion was made and seconded to approve the minutes from the October 17th, 2018 meeting of the Commission as written. Vote: Vice Chair Little, yes; Commissioner Chapman, yes; Commissioner McClelland, yes. The motion was approved.

PUBLIC COMMENT

No Public Comment

DIVISION REPORTS

DIRECTOR'S REPORT – Jonathan Stewart

Director Stewart reported that Chairman Calvin Musselman would be leaving the Commission at the end of December when he joins the state legislature. The Division is now working on naming a replacement for Commissioner Musselman.

Director Stewart reported that Amber Nielson has resigned as Board Secretary. The Division is currently working to find a replacement secretary.

Director Stewart reported on the draft of proposed legislative changes for the upcoming bill. The Division will share the bill with the Commission when the bill is finalized.

Director Stewart also reported that the proposed statutory amendment involving the criminal history RAP Back is part of the 2019 Bill for the Legislation Session. If the bill is passed, the Division will receive RAP Back reporting on licensees.

Director Stewart reported on a draft bill for Home Inspectors. If the bill is passed, Home Inspectors will be licensed with DOPL, but could change to be required to license with DRE. The Commission discussed the proposed qualification requirements for home inspectors, which might include satisfactory documentation for the following: training, passing a national test, and good moral character. Also discussed is the umbrella of items that is included in the home inspector's scope of work.

Director Stewart gave an update on progress for creating a Public Service Announcement. The Division and Department are reviewing available talent for the announcement.

ENFORCEMENT REPORT – Kadee Wright

Ms. Wright reported month of October the Division received 49 complaints; opened 21 cases; closed 13 cases; leaving 412 open cases. There are 22 cases assigned to the AG's office.

Ms. Wright presented the following for consideration:

Stipulations for Review

Kimberly M. Blocker
Cameron K. Crayk
David B. Kenney
Kristoffer Lyman
Tiani Shoemaker

Mr. Gilles and Ms. Harris of the AG's office presented the following for consideration:

Stipulation for Review

Bruce A Dickamore
Joshua H Stern

EDUCATION AND LICENSING REPORT – Mark Fagergren

Mr. Fagergren reported 94 additional licensees in October.

Mr. Fagergren wanted to expand on how the Licensing Department sees the implementation of a new CE Course, in future discussion with the Commission, in order to prepare and implement the new course.

Vice Chair Little mentioned that the committee is looking into forming the CE course and requirements for education hours, education content, and testing. Instructors may be mandated to take IDW training yearly. The committee recommends that the mandatory CE course be considered a part of the 18 hours of CE that is currently required of agents.

Mr. Fagergren continued the discussion saying that due to a possible push back from the industry, he would like as much clarity on the CE course as possible. A motion was made that the 3-hour CE course move forward to prepare a draft the proposed rule amendment. The motion passed unanimously.

COMMISSION AND INDUSTRY ISSUES

Mr. Barney discussed a proposed rule amendment that would 1) include a manager within the definition of "principal;" 2) would prohibit real estate schools from misrepresentations against competing schools; 3) would allow credit for an online course regardless of whether the course is completed within one year of

registration; and 4) would correct the approval dates of certain state approved forms. The proposed rule amendment has approved by the Commission and will be filed soon.

Mr. Barney said DRE will prepare a draft rule amendment regarding a mandatory CE course to the Commission for its consideration next month.

Break from 9:58am to 10:07

The meeting continued at 10:07 a.m. for the Informal Hearing in the Matter of Jennifer Leavitt to act as a Real Estate Sales Agent with Chair Little conducting.

10:07 a.m. Jennifer Leavitt, Applicant
 Roy Parker, Witness for Ms. Leavitt
 Chad Tengler, Attorney for Division

The hearing for Ms. Leavitt concluded at 10:12 a.m.

Informal Hearing in the Matter of Kimberley Larson to act as Real Estate Agent with Chair Little conducting.

10:12am Kimberley Larson, Applicant
 Chad Tengler, Attorney for Division

The hearing for Ms. Larson concluded at 10:44 a.m.

Informal Hearing in the Matter of Sean Oneill to act as Real Estate Agent with Chair Little conducting. Mr. Oneill was not present for his hearing. Mr. Tengler noted proper notice was sent to Mr. Oneill of the hearing. The commission decided to hold the hearing in his absence.

10:45 a.m. Sean Oneill, Applicant
 Chad Tengler, Attorney for Division

The hearing for Mr. Oneill concluded at 10:57 a.m.

A motion was made and seconded to close the meeting for the sole purpose of discussing the character, professional competence or physical or mental health of an individual. Vote: Vice Chair Little, yes; Commissioner Booth, yes; Commissioner Chapman, yes; Commissioner McClelland, yes. The motion was approved.

CLOSED TO PUBLIC

An Executive Session was held from 10:58 a.m. to 12:57 p.m.

OPEN TO PUBLIC

Results of Executive Session

Kimberly M. Blocker – Approved with Division Concurrence
Cameron K. Crayk – Approved with Division Concurrence
David B. Kenney – Approved with Division Concurrence
Kristoffer Lyman – Approved with Division Concurrence
Tani Shoemaker – Approved with Division Concurrence

Ms. Leavitt, Ms. Larson, and Mr. Oneill will be notified by mail of their hearings.

Informal Hearing in the Matter of Samuel Butler to act as Real Estate Agent with Chair Little conducting.

12:57 p.m. Samuel Butler, Applicant
Dan Butler, Witness
Don Butler, Witness
Chad Tengler, Attorney for Division

The hearing for Mr. Butler concluded at 2:18 p.m.

A motion was made and seconded to adjourn the meeting. Vote: Vice Chair Little, yes; Commissioner Booth, yes; Commissioner Chapman, yes; Commissioner McClelland, yes. The motion was approved. The meeting adjourned at 2:18 p.m.

An Executive Session was held from 2:18 p.m. to 2:37 p.m.

OPEN TO PUBLIC

Results of Executive Session

Mr. Butler will be notified by mail of his hearing.

A motion was made and seconded to adjourn the meeting. Vote: Vice Chair Little, yes; Commissioner Booth, yes; Commissioner Chapman, yes; Commissioner McClelland, yes. The motion was approved. The meeting adjourned at 2:37 p.m.